

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants : Ryo OZAWA

Art Unit : 2621

Appl. No. : 09/726,558

Examiner : David J. CZEKAJ

Filed : December 1, 2000

Conf. No. : 1830

For : ELECTRONIC ENDOSCOPE SYSTEM

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Briefs - Patents
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Sir:

This Reply Brief is in response to the Examiner's Answer mailed November 27, 2009, setting a two month period for response extending until January 27, 2010. Appellant respectfully requests that the Examiner's decision to reject claims 1-4, 6-10, 12 and 16 be reversed.

The **STATUS OF CLAIMS** is provided on page 2 of the Reply Brief.

The **GROUND OF REJECTION TO BE REVIEWED ON APPEAL** is provided on page 3 of the Reply Brief.

The **ARGUMENT** begins on page 4 of the Reply Brief.

The **CONCLUSION** is provided on page 6 of the Reply Brief.

STATUS OF CLAIMS

Claims 1-4, 6-10, 12 and 16, all of the claims currently pending in this application, stand finally rejected under 35 U.S.C. § 103(a). Appellant appeals the final rejection of claims 1-4, 6-10, 12 and 16.

Claims 5, 11 and 13-15 were previously cancelled.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-4, 6-10, 12 and 16 are unpatentable under 35 U.S.C. § 103(a) over Kanno et al. (U.S. Patent No. 5,583,566) in view of Nishikori et al. (U.S. Patent No. 5,627,584) and Tsuji et al. (U.S. Patent No. 5,258,834).

ARGUMENT

In the Examiner's Answer, the Examiner has provided two primary responses to the arguments Appellant presented in Appellant's Appeal Brief.

In the Examiner's first response, he notes that Kanno's medical instrument interfacing apparatus has a patient data management mode, but acknowledges that Kanno et al. does not disclose that a monitor displays a patient data list in the patient data management mode. However, the Examiner notes that Nishikori's endoscope system displays a patient data list on operation computer 3. Thus, the Examiner asserts that the combination of Kanno et al. and Nishikori et al. teach a scene changing system that changes a scene displayed on the monitor between an endoscope image display scene and a patient data list display scene.

Appellant respectfully disagrees. Appellant submits that an endoscope image is not displayed on Nishikori's operation computer 3. Rather, an endoscope image is only displayed on a separate monitor 13. See, e.g., col. 18, line 65 – col. 19, line 23 of Nishikori et al. As neither Kanno et al. nor Nishikori et al. disclose a single monitor which displays both an endoscope image and a patient data list, Appellant submits that the combination of these references do not teach a scene changing system that changes a scene displayed on the monitor between an endoscope image display scene and a patient data list display scene.

In the Examiner's second response, the Examiner notes that Tsuji et al. discloses that a 19MHz clock allows data to be read more quickly than a 16MHz clock. However, Appellant submits that the 19MHz and 16MHz clocks referred to in Tsuji et al. are clocks which are provided to the CCDs 13 and 13a to control the rate at which data is read from

the CCDs. See, e.g., Figs. 2 and 3; col. 6, lines 15-17; col. 7, lines 8-10; and col. 8, lines 5-35 of Tsuji et al. These clocks do not control the rate of data display on the monitor. Rather, the reference clock for the sync signal generator (SSG) 30 for the monitors 5, 5a in both of the embodiments shown in Figs. 2 and 3 is 14MHz. See, e.g., Figs. 2 and 3; col. 6, lines 39-47; and col. 7, lines 38-39 of Tsuji et al. Accordingly, the 19MHz and 16MHz clocks are not correlated to the scene displayed on the monitor.

Further, as noted in Appellant's Appeal Brief, Tsuji's 19MHz and 16MHz clocks are used in *two different endoscopes*. Thus, Tsuji's endoscopes 2, 2a do not include a single timing controller which outputs both of the 19MHz and 16MHz clocks.

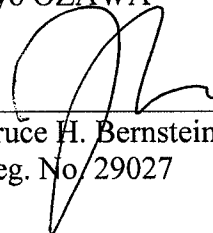
Furthermore, since Tsuji et al. does not disclose that a patient data list is displayed on the monitor, there is no suggestion in Tsuji et al. of using two separate clocks for an endoscope image display and a patient data list display. Thus, Tsuji et al. does not disclose or suggest a timing controller which outputs a first series of clock pulses having a first frequency when an endoscope image is displayed, and outputs a second series of clock pulses having a second frequency when a patient data list is displayed.

CONCLUSION

Appellant submits that claims 1-4, 6-10, 12 and 16 would not have been obvious under 35 U.S.C. § 103(a) to one of ordinary skill in the art at the time of the invention in view of Kanno et al., Nishikori et al. and Tsuji et al.. Thus, Appellant respectfully requests that the Examiner's decision to reject claims 1-4, 6-10, 12 and 16 be reversed.

If there are any questions regarding this application, any representative of the U.S. Patent and Trademark Office is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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